



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

July 6, 2018

PWS #: 4600017  
Certified Mail/Return Receipt  
7017 1450 0000 9421 5615

Larry Ostrom, Manager  
R.R. Lewis Small Water Company  
4500 E. Fremont Street  
Stockton, CA 95215

### TRANSMITTAL OF CITATION NO. 01-02-18C-010

The State Water Resources Control Board (Board) Division of Drinking Water has issued the R.R. Lewis Small Water Company a citation, which is enclosed.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code Section 116625) or Article 9 (commencing with Health and Safety Code Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Board for reconsideration of the order or decision. The enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions, please contact me at (530) 224-4800.

Stephen W. Watson, P.E.  
Lassen District Engineer  
Drinking Water Field Operations Branch

Enclosure

cc: Bruce Burton, Assistant Deputy Director, Northern California Drinking Water Field Operations  
Richard L. Hinrichs, Chief, Northern California Section  
Rami Kahlon, California Public Utilities Commission

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**TO:** R.R. Lewis Small Water Company  
4500 E. Fremont Street  
Stockton, CA 95215

**ATTN:** Larry Ostrom, Manager

**CITATION FOR CONTINUED VIOLATION OF  
DIRECTIVE NO. 2 OF COMPLIANCE ORDER NO. 01-02-15R-007  
WATER SYSTEM NO. 4600017  
C I T A T I O N   N O .   01-02-18C-010  
Issued on July 6, 2018**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the R.R. Lewis Small Water Company (hereinafter, Company) (4500 E. Fremont Street,

1 Stockton, CA 95215) for the continued violation of Directive No. 2 in Compliance  
2 Order No. 01-02-15R-007.

3  
4 **APPLICABLE AUTHORITIES**

5  
6 **Section 116650 of California Health and Safety Code provides:**

7 (a) If the State Board determines that a public water system is in violation of this  
8 chapter or any regulation, permit, standard, citation, or order issued or adopted  
9 thereunder, the State Board may issue a citation to the public water system. The  
10 citation shall be served upon the public water system personally or by certified  
11 mail. Service shall be deemed effective as of the date of personal service or the  
12 date of receipt of the certified mail. If a person to whom a citation is directed  
13 refuses to accept delivery of the certified mail, the date of service shall be  
14 deemed to be the date of mailing.

15 (b) Each citation shall be in writing and shall describe the nature of the violation  
16 or violations, including a reference to the statutory provision, standard, order,  
17 citation, permit, or regulation alleged to have been violated.

18 (c) A citation may specify a date for elimination or correction of the condition  
19 constituting the violation.

20 (d) A citation may include the assessment of a penalty as specified in subdivision

21 (e).

22 (e) The State Board may assess a penalty in an amount not to exceed one  
23 thousand dollars (\$1,000) per day for each day that a violation occurred, and for  
24 each day that a violation continues to occur. A separate penalty may be  
25 assessed for each violation.



**Section 116701 of California Health and Safety Code provides:**

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant

1 to this subdivision shall constitute the state board's completion of its  
2 reconsideration.

3 (e) The state board, upon notice and hearing, if a hearing is held, may stay in  
4 whole or in part the effect of the order or decision of the deputy director.

5 (f) If an order of the deputy director is subject to reconsideration under this  
6 section, the filing of a petition for reconsideration is an administrative remedy  
7 that must be exhausted before filing a petition for writ of mandate under  
8 Section 116625 or 116700.

9  
10 **Directive No. 2 of Compliance Order No. 01-02-15R-007 required:**

11 2. On or before **November 1, 2015**, the Company shall provide continuous,  
12 reliable chlorination of the Wixson Spring water supply.

13  
14 **Directive No. 1 of Citation No. 01-02-16C-010 required:**

15 1. Comply with Directive No. 2 of Compliance Order No. 01-02-15R-007 by  
16 no later than **July 1, 2017**. To demonstrate compliance with this directive the Company  
17 must submit to the Division a copy of the final approval from Sierra County for the  
18 constructed chlorination system; evidence of compliance with CEQA requirements;  
19 written verification that the chlorination system is operational and capable of feeding a  
20 chlorine dosage of up to 2.0 milligrams per liter; and receive confirmation in writing from  
21 the Division that such chlorination system can be permitted for operation as  
22 constructed.

23  
24 **Directive No. 5 of Citation No. 01-02-16C-010 required:**

25 5. If the Board does not suspend the requirement to pay the Additional  
26 Penalties after July 1, 2017, the Company shall submit to the Board by a check in the  
27 amount equaling \$100 for each day that the Company's failure to comply with Directive

No. 2 of Compliance Order No. 01-02-15R-007 occurred after the date of issuance of the Citation (collectively "Additional Penalties"). The citation number shall be written on the check. The check shall be made payable to the **State Water Resources Control Board – Safe Drinking Water Account** and mailed to the Board along with Attachment 'C' entitled "Notice of Citation Issuance – Additional Penalties."

### **STATEMENT OF FACTS**

The Company has constructed the chlorination facilities required under Directive 2 of Compliance Order No. 01-02-15R-007 on private property without written, legal permission from the land owner. The Company has constructed the chlorination facilities without complying with local land use ordinances, including, but not limited to, a special use permit, a building permit, and CEQA clearances. Since the Company does not have these local governmental approvals and has not followed CEQA requirements, the Division cannot issue an amended permit for the operation of the chlorination facilities. Therefore, chlorination facilities cannot be operated as constructed.

As of the issue date of this Citation, the Division has not received from the Company a copy of the final approval from Sierra County for the constructed chlorination system. As of the issue date of this Citation, the Division has not received evidence of compliance with CEQA requirements.

Citation No. 01-02-16C-010 was issued on October 7, 2016. This citation assessed a \$5,000 penalty on the Company its failure to comply with Directive No. 2 of Compliance Order No. 01-02-15R-007 since November 1, 2015. As of the issue date of this Citation, the Division has not received payment of this penalty.





1 Citation No. 01-02-16C-010 also assessed a penalty of \$100 for each day after the  
2 date of its issuance (October 7, 2016) that the Company continued to violate Directive  
3 No. 2 of Compliance Order No. 01-02-15R-007. In the citation, the Division made  
4 provisions to suspend this penalty if the Company complied with Directive No. 2 of  
5 Compliance Order No. 01-02-15R-007 by July 1, 2017.

6  
7 On October 4, 2017, the Division issued an administrative penalty of \$35,800, in  
8 accordance with Directive 5 of Citation No. 01-02-16C-010, for the period beginning  
9 October 7, 2016, and continuing through September 30, 2017. As of the issue date of  
10 this Citation, the Division has not received payment of this penalty.

11  
12 On March 2, 2018, the Division issued an administrative penalty of \$9,200, in  
13 accordance with Directive 5 of Citation No. 01-02-16C-010, for the period beginning  
14 October 1, 2017, and continuing through December 31, 2017. As of the issue date of  
15 this Citation, the Division has not received payment of this penalty.

16  
17 On April 5, 2018, the Division issued an administrative penalty of \$9,000, in  
18 accordance with Directive 5 of Citation No. 01-02-16C-010, for the period beginning  
19 January 1, 2018, and continuing through March 31, 2018. As of the issue date of this  
20 Citation, the Division has not received payment of this penalty.

21  
22 **DETERMINATIONS**

23  
24 As of the issue date of this Citation, the Company remains out of compliance with  
25 Directive No. 2 of Compliance Order No. 01-02-15R-007 and Directive No. 1 of  
26 Citation No. 01-02-16C-010.

1  
2 **DIRECTIVES**  
3

4 The Company is hereby directed to take the following actions:  
5

- 6 1. For the period beginning April 1, 2018 and continuing through June 30, 2018,  
7 the Company shall submit to the State Water Resources Control Board, **by**  
8 **August 1, 2018**, a check in the amount equaling **\$9,100.00**. The citation  
9 number shall be written on the check. The check shall be made payable to the  
10 State Water Resources Control Board – Safe Drinking Water Account and be  
11 mailed to the Board along with Attachment 'A' entitled "Notice of Citation  
12 Issuance – Additional Penalties."  
13
- 14 2. Complete and return Attachment 'B' entitled "Compliance Certification" to the  
15 address listed below **by no later than August 10, 2018**.  
16

17 All documents required by this Citation to be submitted to the Division shall be  
18 submitted to the following address:

19  
20 Stephen W. Watson, P. E.  
21 Lassen District Engineer  
22 State Water Resources Control Board  
23 Division of Drinking Water  
24 364 Knollcrest Drive, Suite 101  
25 Redding, CA 96002  
26

27 As used in this Citation, the date of issuance shall be the date of this Citation; and the  
28 date of service shall be the date of service of this Citation, personal or by certified  
29 mail, on the Water System





1  
2 Nothing in this Citation relieves the Company of its obligation to meet the  
3 requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California  
4 Safe Drinking Water Act), or any regulation, permit, standard or order issued or  
5 adopted thereunder.

6  
7 The Division reserves the right to make such modifications to this Citation, as it may  
8 deem necessary to protect public health and safety. Such modifications may be  
9 issued as amendments to this Citation and shall be effective upon issuance.

10  
11 **PARTIES BOUND**

12  
13 This Citation shall apply to and be binding upon the Company, its officers, directors,  
14 shareholders, agents, employees, contractors, successors, and assignees.

15  
16 **SEVERABILITY**

17  
18 The Directives of this Citation are severable, and the Company shall comply with each  
19 and every provision thereof, notwithstanding the effectiveness of any other provision.

20  
21 **FURTHER ENFORCEMENT ACTION**

22  
23 The California SDWA authorizes the State Board to: issue citation with assessment of  
24 administrative penalties to a public water system for violation or continued violation of  
25 the requirements of the California SDWA or any permit, regulation, or order issued or  
26 adopted thereunder including, but not limited to, failure to correct a violation identified  
27 in a citation or compliance order. The California SDWA also authorizes the State



Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or failed to comply with an order of the State Board; and to petition the superior court to take enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

7/6/2018

Date



Richard L. Hinrichs, P.E., Chief  
Northern California Section  
Division of Drinking Water  
State Water Resources Control Board

CERTIFIED MAIL 7017 1450 0000 9421 5615

Attachment A: Notice of Citation Issuance

Attachment B: Compliance Certification



**STATE OF CALIFORNIA  
Division of Drinking Water  
State Water Resources Control Board**

**Notice of Citation Issuance – Additional Penalties**

**System Name:** R.R. Lewis Small Water Company

**System Number:** 4600017

**Background Statement**

During the month of July 2018, the Division of Drinking Water issued Citation Number 01-02-18C-010 to the R.R. Lewis Small Water Company. The citation assessed an administrative penalty in the amount of \$100 per day for each day the Company remains out of compliance. For the period between April 1, 2018 and June 30, 2018, a penalty of \$9,100.00 is due.

**Method of Payment**

A check for **\$9,100.00** and a copy of this form shall be submitted to the Division by **August 1, 2018**. The citation number shall be written on the check. The check shall be made payable to the California Division of Drinking Water Safe Drinking Water Account and submitted to:

SWRCB Accounting Office  
Attn: Drinking Water Program  
PO Box 1888  
Sacramento, CA 95812-1888

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Please attach check below:

## COMPLIANCE CERTIFICATION

Citation Number: **01-02-18C-010**

Name of Water System: **R.R. Lewis Small Water Company**

System Number: **4600017**

As required by Section 116450 of the California Health and Safety Code, I certify that the R.R. Lewis Small Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Payment of \$9,100 Administrative Penalty to the Division of Drinking Water in Sacramento, as required by Directive 1	_____
_____ Signature of Water System Representative	_____ Date

Attach a copy of the check for payment of the administrative penalty.

<b>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN August 10, 2018.</b>
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**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.